

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION

IKE PINKSTON	)	CASE NO. 1:13CV2220
	)	
Petitioner,	)	JUDGE DAN AARON POLSTER
	)	
vs.	)	<u>MEMORANDUM OF OPINION</u>
	)	<u>AND ORDER</u>
BENNIE KELLY,	)	
	)	
Respondent.	)	

Before the Court is the Report and Recommendation of Magistrate Judge James R. Knapp (“R & R”) (Doc. # 7). The R&R recommends that Petitioner Ike Pinkston’s 28 U.S.C. § 2254 petition for writ of habeas corpus (**Doc. # 1**) be dismissed as time-barred. The deadline has long since passed for Petitioner to file written objections to the R&R. See 28 U.S.C. § 636(b)(1). Failure to file objections by the deadline constitutes a waiver of the right to obtain a de novo review of the R&R in the district court, United States v. Walters, 638 F.2d 947, 949 (6th Cir. 1981), and a waiver of the right to appeal. Thomas v. Arn, 728 F.2d 813 (6th Cir. 1984), aff’d, 474 U.S. 140 (1985).

The Court has reviewed the Magistrate Judge’s R&R and agrees that the petition should be dismissed as time-barred. Accordingly, the Court **ADOPTS** the Magistrate Judge’s R&R (**Doc. # 7**) and **DISMISSES** the petition for writ of habeas corpus (**Doc. # 1**).

**IT IS SO ORDERED.**

/s/ Dan Aaron Polster May 9, 2014  
Dan Aaron Polster  
United States District Judge